



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**September 29, 2004**

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**SUBJECT:**           **2004-0681** – Application on a 5,432 square-foot site located at **441 East Washington Avenue** in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District. (APN: 209-04-031)

Motion               Special Development Permit to allow a new 400 square-foot detached garage in the rear yard one foot from the side property line and three feet from the rear property line.

**REPORT IN BRIEF**

**Existing Site**               Single Family Residential House

**Conditions**

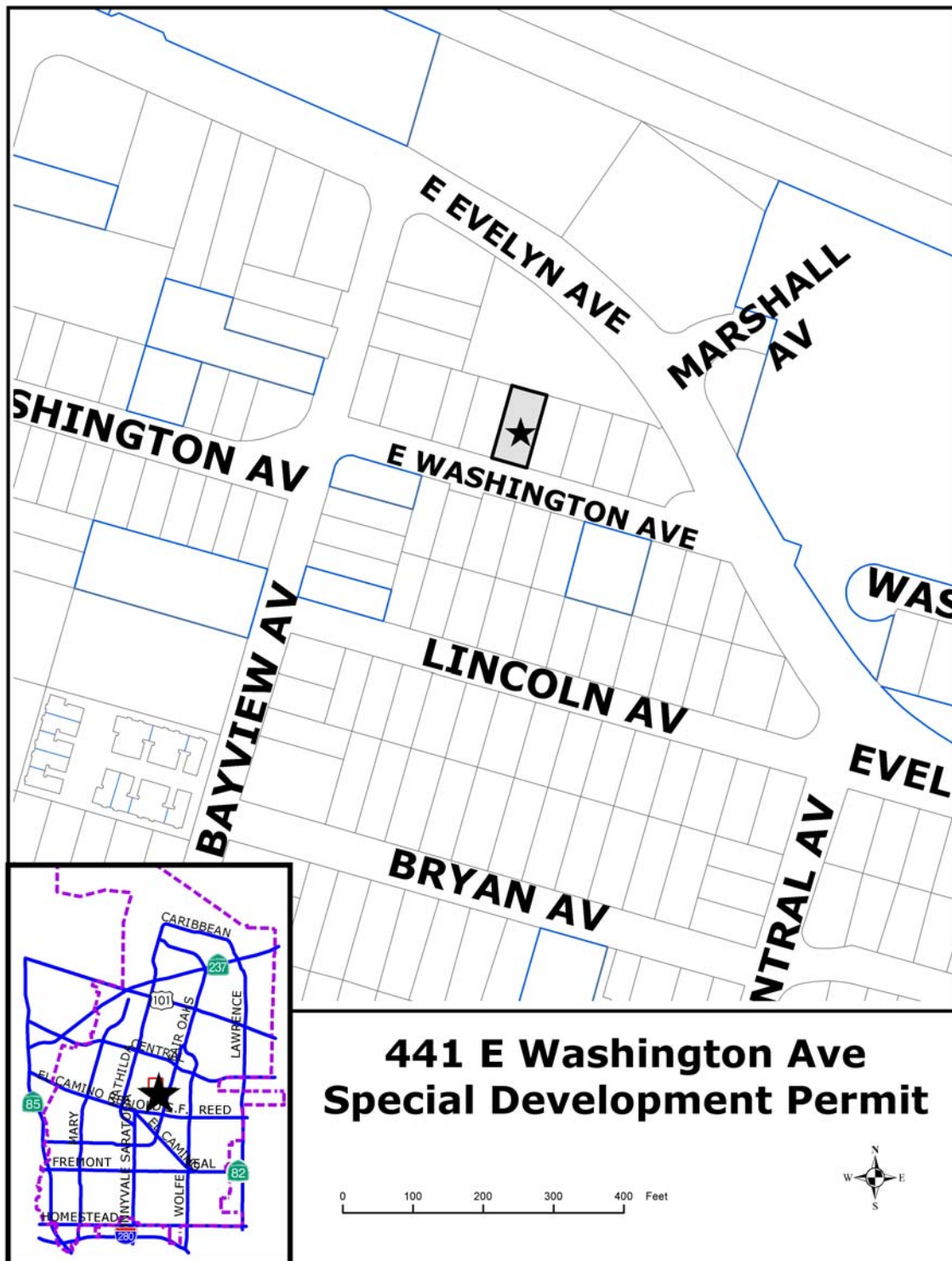
**Surrounding Land Uses**

North	18 Unit Multi-Family Residential (under construction)
South	Single Family Residential House
East	Vacant lot
West	Duplex

**Issues**                       Setbacks and amount of covered parking

**Environmental Status**       A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**       Approve with conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	RLM	Same	---
<b>Zoning District</b>	R-2/PD	Same	---
<b>Lot Size (s.f.)</b>	5,432 s.f.	Same	8,000 s.f.
<b>Gross Floor Area (s.f.)</b>	1,045 s.f.	1,445 s.f.	3600 s.f. max.
<b>Lot Coverage (%)</b>	19%	27%	45% max.
<b>Floor Area Ratio (FAR)</b>	19%	27%	45% max.
★ <b>Building Height (ft.)</b>	N/A	15'-6"	15'-0" max.
<b>No. of Stories</b>	1	1	2 max.
<b>Setbacks (facing prop.)</b>			
• <b>Front</b>	N/A	85'	20' min.
★ • <b>Left Side</b>	N/A	1'	4' min.
• <b>Right Side</b>	N/A	28'-4"	8' min.
★ • <b>Rear</b>	N/A	3'	10' min.
<b>Parking</b>			
• <b>Total No. of Spaces</b>	2	2	4 min.
• <b>No. of Covered Spaces</b>	0	1	2 min.

★ The shaded row indicates a deviation from the Sunnyvale Municipal Code requirements.

**ANALYSIS****Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2002-0612	Rezone "Eastern Adjacent Sites" from R-3/PD to R-2/PD	Approved	6/15/04
1990-0029	Fence in front yard	Approved	3/26/90

### **Description of Proposed Project**

This application is to allow the installation of a 400 square foot detached garage in the rear yard of a single family house. The garage is proposed to be 1'-0" from the side property line and 3'-0" from the rear property line. The proposed garage will match the architecture of the existing house and will be 15'-6" in height.

### **Environmental Review**

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 3 Categorical Exemptions include accessory structures and garages.

### **Special Development Permit**

**Use:** The applicant proposes to use the garage for covered parking. The building constraints, however, will prevent two cars from being able to use the garage. As a result, the application is best described as a one-car garage with a storage area included inside the building. The space devoted to the parking area will be the area located 10'-0" closest to the west property line.

**Site Layout:** The detached garage is located 3'-0" from the rear property line and 1'-0" from the side property line. The proposed garage is 10'-8" from the rear of the house and the existing driveway is 8'-6" wide. Traffic and Transportation reviewed the application and determined that these dimensions make the turning radius from the driveway to the garage too tight for a standard car to gain access to the space furthest from the property line. As a result, staff is reviewing the detached structure as a one-car garage and storage.

Behind the proposed garage is an 18-unit residential project, currently under construction. The proposed garage would be located approximately 23'-0" from the face of the closest unit, but the garage design provides for a sloping roof so the impact on the neighboring unit will be minimized.

The following Guidelines were considered in analysis of the project site design.

<b>Design Policy or Guideline (Site Layout)</b>	<b>Comments</b>
<i>City-wide Design Guidelines Accessory Utility Buildings D1</i>  <i>Accessory buildings must comply with the requirements of Section 19.40 of the Sunnyvale Municipal Code</i>	The proposed structure will not comply either with the setback or height requirements specified in Section 19.40.050. The Special Development Permit will allow the left side setback and height to deviate from code requirements.

**Architecture:** The proposed garage will match the existing house architecture in style and color. The house is single-story with a dormer window extending at the front and wood siding on the sides. The proposed garage will also have a dormer window and wood siding.

The following Guidelines were considered in the analysis of the project architecture.

<b>Design Policy or Guideline (Architecture)</b>	<b>Comments</b>
<i>Sunnyvale Single Family House Design Techniques</i>  <i>3.10 Accessory Structures</i> <i>b. Accessory structures should use the same wall, roof and trim materials as the main structure.</i>	The proposed garage will have similar roof design, window treatment and wood siding as the main house.

**Parking/Circulation:** The property is legal non-conforming for parking because there are less than two covered spaces and two uncovered spaces. There are currently no covered spaces on the property. There was an unapproved two space carport, but the applicant removed it at the request of Neighborhood Preservation. The applicant is aware that the garage can be considered only as a one-car garage. The ramifications of this determination is that, should the applicant propose to add on to the house (to bring the total bedrooms to four or more or add square footage resulting in 1800 s.f., including garage), the existing house would need to be altered so the driveway turning radius allows the garage to be used for parking two cars inside and two cars uncovered outside.

**Compliance with Development Standards**

The property does not have any covered parking on site, which makes this aspect of the property legal non-conforming. The addition of a garage does not change this condition. The property currently has two uncovered tandem parking spaces. The proposed garage would still allow two tandem parking spaces, one covered and the other uncovered.

The design of the proposed structure conforms to the Sunnyvale Single Family House Design Techniques. The existing house and proposed garage will have similar rooflines and siding.

The proposed structure deviates from the required setbacks and height as follows:

- Left side yard setback is 1'-0" where a minimum of 4'-0" is required
- Rear yard setback is 3'-0" where a minimum of 10'-0" is required
- Building height is 15'-6" where a maximum of 15'-0" is required.

Staff can justify these deviations because they are consistent with the existing conditions in the neighborhood. There are numerous detached garages located in the rear and side setback areas throughout the area. The proposal begins to resolve the parking situation on the property because the addition of one new covered parking space increases the amount of covered parking. Also, the requested increase in height is only 6" higher than required, which represents a relatively small increase in height.

**Expected Impact on the Surroundings**

Although the design of the proposed detached garage does not comply with the setbacks and height requirements, the structure is designed to minimize the effect on the neighboring properties. The roof slope reduces the impact on the neighboring property behind the structure. Also, the structure is limited in its location for use as a garage because of the tight driveway dimensions.

Staff is recommending that landscaping be added on the left and rear of the proposed building to soften the effect on the neighboring properties (Condition 5).

**Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Six mailed to the adjacent property owners of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Alternatives**

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1. Approve the Special Development Permit with the conditions listed in Attachment 2.
2. Approve the Special Development Permit with modified conditions.
3. Do not approve the Special Development Permit.

**Recommendation**

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Alternative 1.

Prepared by:

Andrew Miner  
Project Planner

Reviewed by:

Diana O'Dell  
Senior Planner

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Site and Architectural Plans
4. Site Photos
5. Justifications from Applicant



**Recommended Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the follows:

**Land Use and Transportation Element**

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

Action Statement N1.1.1

Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

The proposed detached garage is similar to several other uses and structures throughout the neighborhood. A review of the immediate area shows over 20 detached garages located in the rear and side setback area similar to the proposal. There are no attached garages on any house in the same block as the subject property.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as follows:

The structure is similar to several other detached garages in the area; it will therefore not affect their appearance, uses or orderly development of the neighborhood. Also, the structure is designed to allow a second required parking space in the future. The use will not impact the neighboring property because each lot has a driveway which will serve a detached garage.

**Recommended Conditions of Approval - Special Development**

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. This approval is for a new 400 square-foot, 15'-6" high detached garage in the rear yard.
2. The two-year expiration date of the Special Development Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
3. Specific deviations allowed with this Special Development Permit are as follows:

Setbacks:

- Left side setback to be 1' minimum measured from the walls of the structure
- Rear setback to be 3' minimum

Height:

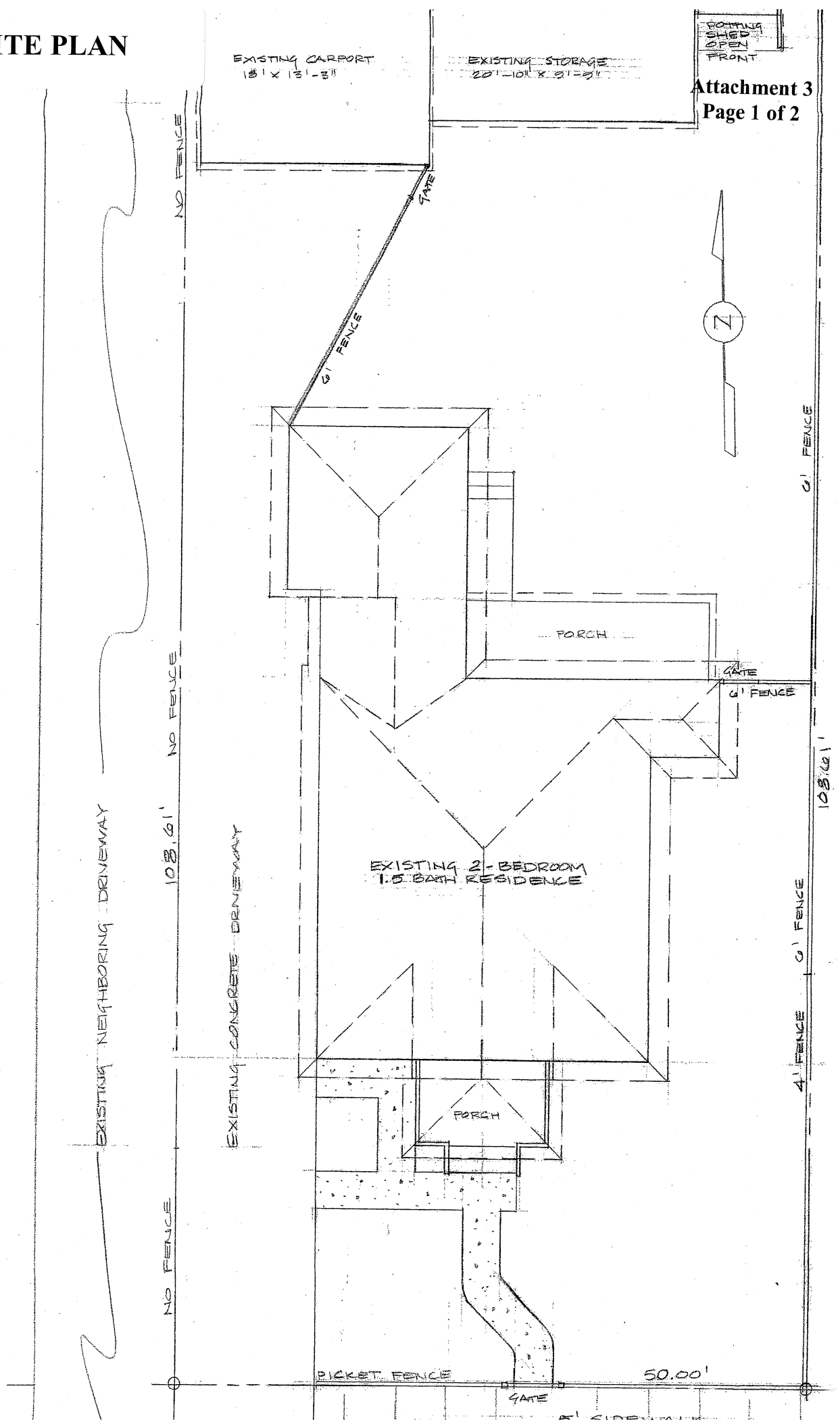
- Building height to 15'-6" measured from the highest point of the structure
4. The structure shall meet the setback requirements listed above, and to complement the architectural style and colors of the house. Architectural plans shall be submitted and approved by the Planning Division prior to issuance of a Building Permit.
  5. Prior to the finalization of the Building Permit, landscaping shall be added to the left side and rear of the proposed garage. The landscaping shall consist of vines and/or shrubs which will soften the view of the structure from adjacent properties.
  6. Obtain necessary Building Permits.
  7. The detached garage shall be considered as providing required parking for one covered parking space. The remainder of the structure shall be classified as storage area. The remained of the detached garage can be

counted as a second covered parking space once the driveway is expanded to allow access to the space.

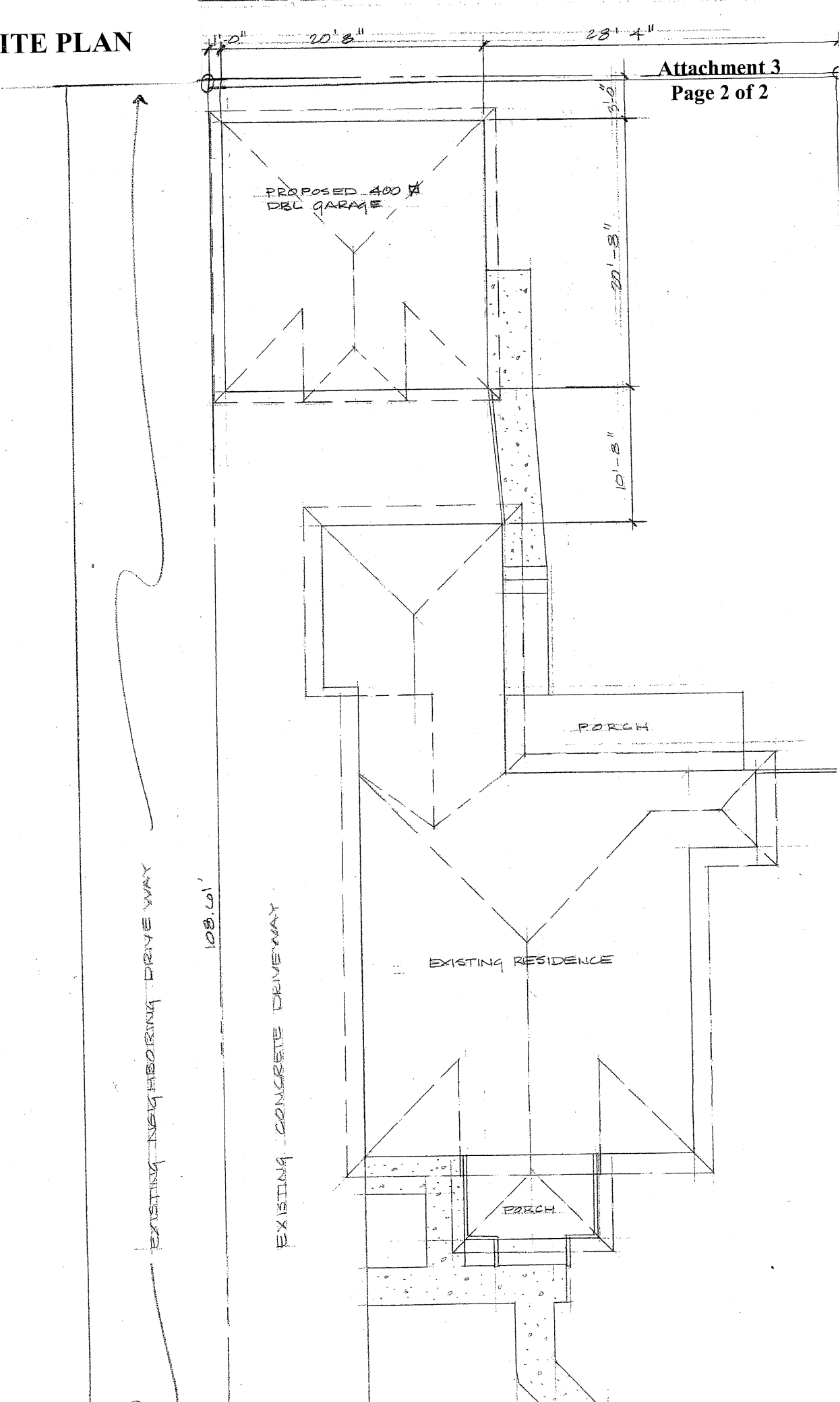
8. The applicant/property owner shall reproduce the Conditions of Approval on the plans submitted for a Building Permit.

# EXISTING SITE PLAN

Attachment 3  
Page 1 of 2



PROPOSED SITE PLAN







## Andrew Miner - Justification For Variance At 441 E Washington

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**From:** [REDACTED]  
**To:** <aminer@ci.sunnyvale.ca.us>  
**Date:** 9/14/2004 9:02 PM  
**Subject:** Justification For Variance At 441 E Washington

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Andy,

Please let me know if this delivery method is adequate, and if this justification is appropriate. Thanks, Mitch Diamond

Justification For Variance For Garage At 441 E Washington Ave.

The reasons for requesting a variance:

1. Sunnyvale requires a minimum 20' X 20'-sized two-car garage.
2. This requirement is appropriate for the ranch-style homes south of El Camino Real, but inappropriate for the older neighborhoods, which in many cases, have smaller lots and/or narrow lots and make this garage requirement extremely difficult to implement.
3. If I built my garage with ten-foot setbacks at the end of my driveway, I wouldn't be able to get any cars into the garage given the clearance between the garage and my house. The only way to accommodate the ten-foot setback on my property would be to put the garage squarely in the middle of my backyard. Three different members of the Sunnyvale planning staff acknowledged that having an open and available backyard is reasonable and legitimate.
4. There are many instances of detached garages and outbuildings in my neighborhood that have setbacks in the three-foot range. There are no garages attached to homes on my block.